



# Charnwood

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21 October 2024

BY EMAIL  
Deborah Taylor CC  
Acting Leader of the Council  
Cabinet Office  
Leicestershire County Council  
County Hall  
Glenfield  
Leics, LE3 8RA

Dear Acting Leader

## **Emerging Transport planning Issues associated with the emerging Charnwood Local Plan**

On 22 October County Cabinet members will be asked to consider a report on the above. I think it is only right that as Leader of Charnwood Borough Council I seek to make clear our understanding of the situation so that members have a balanced view.

The Borough Council has been clear in its position that strategic transport contributions can be obtained by legal agreement under s106 of the Planning Act. This view has been advanced through the Examination process and through officers at our Joint Infrastructure Planning Board and supported by legal advice.

The County Council proposed a Transport Contributions Strategy for Charnwood (TCS) in early November 2022 to describe their approach towards formal requests for transport contributions and have led on this work over the last two years. Borough Council officers have engaged positively to assist County colleagues with this work by providing inter alia considerable officer support, managing the developer interface, commissioning expert advice (at the Borough Council's own cost) and arranging the consultation briefing at the Town Hall to support its launch. Despite the County Council's efforts, its approach was challenged in 2023 and again this Summer during the recent consultation on the draft TCS. It is disappointing that the County Cabinet report does not include a summary of the submitted representations and the legal opinion.

Seeking financial contributions through the planning process requires cogent robust evidence to demonstrate that the legal tests under the community Infrastructure Levy Regulations are met. These tests require a judgement to be made in the determination of planning decisions by the Plans Committee and ultimately through the courts. Therefore, while a TCS might provide useful guidance to developers on the approach the Local Highway Authority will take, it is their formal comments on planning applications, and the view of the Plans Committee on whether those requests meet the tests, that matters.



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The issue with the draft TCS is simply that it does not draw on sufficient evidence to give confidence to the development industry that the legal tests for transport contributions from planning applications can be met. Moreover, it goes further and seeks to implement a Community Infrastructure Levy outside of a formal process. These are all issues that officers raised with County colleagues prior to its publication and that have been raised through the consultation responses and legal opinion from Paul Tucker KC.

Whatever issues the County Council has with the draft TCS does not prevent it from submitting formal requests for transport contributions through the development management process. Policies INF1 and INF2 of the draft Local Plan sets out the agreed approach to support transport contributions for residual cumulative impacts as well as local transport improvements. These require developers to submit evidence through Transport Plans and Transport Assessments. These provide the basis for the County Council to identify impacts and agree mitigations with developers that will be secured under s106 of the Planning Act. It is acknowledged this will require more effort from County officers, as it is a site-by-site approach rather than a pre-agreed composite approach, but it is an approach that will secure contributions in the interim. A resolution that seeks to delay the determination of planning applications on prematurity grounds is therefore irresponsible and unnecessary.

In recognition of the financial challenges facing the County Council, the delays arising from the County Council's work on the TCS and the desire of the Borough Council to ensure that the local plan is effectively delivered, Borough Council officers wrote to the Inspector on 4 October 2024 to offer the preparation of a formal Community Infrastructure Levy. I am pleased that the County Council agrees that this is an appropriate mechanism for delivery and has committed to supporting its preparation. It is however important to stress that the success of this joint enterprise will be dictated by the County Council's engagement and the evidence available. To this end, I note that since the correspondence with the Inspectors on 26 July 2023, no further information has been forthcoming from the County Council on the timetable or progress of the Three Area Transport Strategies for Charnwood and that work on the Soar Valley LCWIP is not currently programmed.

I do hope that this letter helps with your understanding of the situation and look forward to our further engagement on the community Infrastructure Levy.

Yours sincerely



Cllr Jewel Miah  
**Leader of Charnwood Borough Council**

CC: Leicestershire County Cabinet Members  
Cllr C Hamilton (Lead Member for Planning, Charnwood Borough Council)